

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: Chair Fred Thomas, on April 10, 2015 at 3:00 PM, in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Fred Thomas, Chair (R)
Sen. David Howard, Vice Chair (R)
Sen. Mary Caferro (D)
Sen. Diane Sands (D)
Sen. Cary Smith (R)
Sen. Nels Swandal (R)
Sen. Jonathan Windy Boy (D)

Members Excused: None

Members Absent: None

Staff Present: Barbara Pietuch, Committee Secretary
Alexis Sandru, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 305, 4/3/2015; HB 472, 4/3/2015; HB 576, 4/3/2015; HB 614, 4/3/2015

Executive Action: **HB 245** - BE CONCURRED IN AS AMENDED; **HB 614** - BE CONCURRED IN; **HB 576** - BE CONCURRED IN;
HB 472 BE CONCURRED IN; **HB 305** - BE CONCURRED IN

00:00:01 Chairman Thomas

EXECUTIVE ACTION ON HB 245

00:01:04 **Motion:** Sen. Howard moved that **HB 245 BE CONCURRED IN.**

Discussion:

00:01:26 Sen. Smith

00:01:29 Chairman Thomas

00:02:19 **Motion:** Sen. Howard moved that **HB 245 BE AMENDED.**

EXHIBIT(phs72a01)

Discussion:

00:03:14 Chairman Thomas

00:03:21 Sen. Windy Boy

00:03:56 Chairman Thomas

00:04:26 Sen. Howard

00:04:48 Chairman Thomas

00:04:53 Sen. Sands

00:05:34 Sen. Swandal

00:05:39 Sen. Sands

00:06:29 Chairman Thomas

00:06:50 **Vote:** Motion carried 5-2 by voice vote with Sen. Caferro and Sen. Windy Boy voting no.

Discussion:

00:07:12 Chairman Thomas

00:07:20 Sen. Windy Boy

00:07:59 Chairman Thomas

00:08:42 Sen. Smith

00:08:53 Sen. Howard

00:10:33 Sen. Swandal

00:11:05 Chairman Thomas

00:11:29 Sen. Sands

00:11:37 Chairman Thomas

00:11:41 Sen. Swandal

00:11:53 Chairman Thomas

00:12:41 Lynne Egan, deputy securities commissioner, Office of the Commissioner of Securities and Insurance (CSI)

00:13:27 Chairman Thomas

00:13:30 Ms. Egan, CSI

00:14:24 Sen. Sands

00:14:38 Ms. Egan

00:15:36 Sen. Sands

00:15:40 Sen. Windy Boy

00:15:48 Ms. Egan
00:16:02 Sen. Windy Boy
00:16:09 Ms. Egan
00:16:16 Chairman Thomas
00:16:28 Sen. Howard

00:16:37 **Motion/Vote:** Sen. Howard moved that **HB 245 BE CONCURRED IN AS AMENDED**. Motion carried 5-2 by voice vote with Sen. Sands and Sen. Windy Boy voting no. Sen. D. Brown will carry the bill.

00:18:16 Recess

00:28:33 Reconvene

HEARING ON HB 614

Opening Statement by Sponsor:

00:28:49 Sen. C. Smith (R) SD 22, opened the hearing for Rep. Art Wittich (R), HD 68, Establish a study committee on patient compensation for medical injury.

00:30:41 Sen. Windy Boy left the hearing.

Proponents' Testimony: None

Opponents' Testimony:

00:33:30 Jacqueline Lenmark, representing American Insurance Association and The Doctors Company

Informational Testimony:

00:37:58 Jean Branscum, director, Montana Medical Legal Panel

Questions from Committee Members and Responses:

00:38:18 Sen. Swandal
00:38:37 Sen. Smith
00:39:48 Sen. Howard
00:40:08 Sen. Smith

Closing by Sponsor:

00:40:18 Sen. Smith

EXECUTIVE ACTION ON HB 614

00:43:09 **Motion:** Sen. Swandal moved that **HB 614 BE CONCURRED IN**.

Discussion:

00:43:20 Sen. Sands
00:43:32 Chairman Thomas
00:43:45 Sen. Sands
00:44:16 Chairman Thomas

00:46:31 **Vote:** Motion carried 5-2 by roll call vote with Sen. Sands and Sen. Windy Boy voting no. Sen. Windy Boy voted by proxy. Sen. C. Smith will carry the bill.

00:50:00 Recess

00:58:08 Reconvene

HEARING ON HB 472

Opening Statement by Sponsor:

00:58:32 Sen. Caferro opened the hearing for Rep. Tom Jacobson (D), HD 21, on HB 472, Reauthorize the child and family ombudsman.

EXHIBIT(phs72a02)

Proponents' Testimony:

00:59:42 Jon Bennion, deputy attorney general, Department of Justice (DOJ)

EXHIBIT(phs72a03)

01:04:51 Tabitha Miner, representing herself
01:10:25 Cleve Loney, representing himself
01:13:05 Keith Newmeyer, representing himself
01:13:56 April Hall, representing herself
01:14:57 John Walton, representing himself
01:24:20 Rep. Tom Jacobson, HD 21
01:24:39 Joyce Funda, executive director, CASA of Montana

01:25:59 Sen. Windy Boy entered the hearing.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:32:49 Rep. Jacobson
01:35:54 Chairman Thomas

HEARING ON HB 576

Opening Statement by Sponsor:

01:36:40 Rep. Art Wittich (R), HD 68, opened the hearing on HB 576, Generally revise licensing of state operated health care facilities.

Proponents' Testimony:

01:39:59 Beth Brenneman, staff attorney, Disability Rights Montana
01:42:15 Tabitha Miner, representing herself

Opponents' Testimony:

01:43:42 Geralyn Driscoll, staff attorney, Department of Public Health and Human Services (DPHHS)

EXHIBIT(phs72a04)

Informational Testimony:

01:48:18 Jon Bennion, deputy attorney general, Department of Justice (DOJ)
01:48:31 Roy Kemp, interim administrator, Quality Assurance Division, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

01:48:54 Sen. Sands
01:49:17 Mr. Kemp, DPHHS
01:50:07 Sen. Howard
01:50:36 Rep. Wittich
01:51:32 Sen. Howard
01:51:53 Mr. Bennion, DOJ
01:52:22 Sen. Howard
01:52:46 Mr. Bennion
01:53:03 Sen. Windy Boy
01:53:47 Rep. Wittich
01:54:27 Sen. Windy Boy
01:55:12 Mr. Bennion
01:56:04 Sen. Windy Boy
01:56:22 Mr. Bennion
01:57:03 Sen. Sands
01:58:06 Rep. Wittich
01:59:02 Sen Sands
01:59:19 Rep. Wittich
02:01:05 Sen. Sands
02:01:10 Chairman Thomas
02:01:44 Ms. Driscoll, DPHHS

02:02:54 Chairman Thomas
02:03:19 Ms. Driscoll
02:03:35 Chairman Thomas
02:03:46 Ms. Driscoll
02:04:16 Chairman Thomas
02:04:33 Ms. Driscoll
02:04:43 Sen. Caferro
02:05:16 Mr. Bennion
02:05:29 Sen. Caferro
02:05:39 Mr. Bennion
02:05:58 Sen. Smith
02:06:10 Rep. Wittich

Closing by Sponsor:

02:07:38 Rep. Wittich

HEARING ON HB 305

Opening Statement by Sponsor:

02:07:59 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 305, Revise laws related to protecting Montana's children.
02:08:54 Chairman Thomas turned the chair over to Vice Chair Howard.
02:09:12 Chairman Thomas left the hearing.

Proponents' Testimony:

02:11:03 Sarah Corbally, administrator, Child and Family Services Division, Department of Public Health and Human Services (DPHHS)
02:11:45 Sen. Sands left the hearing.
02:13:42 Bryan Lockerby, administrator, Division of Criminal Investigation, Department of Justice
02:15:26 Jamie Bailey, Montana Foster Families
02:17:59 Chairman Thomas entered the hearing.
02:19:41 Kate Siegrist, health services director, Missoula City-County Health Department
EXHIBIT(phs72a05)
02:22:12 Schylar Canfield-Baber, representing himself
02:26:07 Joyce Funda, executive director, CASA of Montana
02:27:29 Kelsen Young, executive director, Montana Coalition Against Domestic and Sexual Violence
02:27:55 Lora Cowee, chief operations officer, Intermountain
02:28:51 Vice Chair Howard

02:28:58 Scott Pederson, assistant attorney general; supervisor, Child Protection Unit, Department of Justice
02:29:33 Erin McGowan, representing Montana Children's Initiative and Legacy Provider Group
02:30:16 Todd Garrison, executive director, ChildWise Institute
02:31:21 Drenda Niemann, administrator, Community Health Promotion Division, Lewis and Clark City-County Health Department

[EXHIBIT\(phs72a06\)](#)

Opponents' Testimony: None

Informational Testimony:

02:32:35 Bart Klika, professor, School of Social Work, University of Montana
[EXHIBIT\(phs72a07\)](#)

02:34:33 Keith Newmeyer, representing himself

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:35:32 Rep. Dudik

02:36:45 Vice Chair Howard turned the chair back over to Chairman Thomas.

EXECUTIVE ACTION ON HB 305

02:36:57 **Motion:** Sen. Howard moved that **HB 305 BE CONCURRED IN.**

Discussion:

02:37:15 Sen. Swandal

02:37:29 Sen. Smith

02:37:50 **Vote:** Motion carried 6-1 by voice vote with Sen. C. Smith voting no. Sen. Sands voted by proxy. Sen. Caferro will carry the bill.

EXECUTIVE ACTION ON HB 576

02:38:22 **Motion:** Sen. Howard moved that **HB 576 BE CONCURRED IN.**

Discussion:

02:38:40 Sen. Howard

02:39:19 **Vote:** Motion carried 4-3 by roll call vote with Sen. Howard, Sen. Sands and Sen. Windy Boy voting no. Sen. Sands voted by proxy. Sen. Thomas will carry the bill.

EXECUTIVE ACTION ON HB 472

02:39:57 **Motion:** Sen. Howard moved that **HB 472 BE CONCURRED IN.**

Discussion:

02:40:16 Sen. Smith

02:40:29 **Vote:** Motion carried unanimously by voice vote. Sen. Sands voted by proxy.
Sen. Swandal will carry the bill.

ADJOURNMENT

Adjournment: 5:45 P.M.

Barbara Pietuch, Secretary

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Additional Documents:

EXHIBIT([phs72aad.pdf](#))